

STATE OF MAINE

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NATURAL RESOURCES PROTECTION ACT

38 M.R.S.A. §§ 480-A to 480-Z

NRPA APPLICATION
including FRESHWATER WETLAND APPLICATION (Tier)



Natural Resources Protection Act Application

If a current Licensing Fee Schedule was not sent to you with this application, you can request one or pick one up from your nearest DEP Office or one can be obtained by requesting one through the internet (<http://www.state.me.us/dep/feesched.htm>).

The NRPA application was amended in October 2001 to include fragile mountain applications. In March of 2002 that same application was amended to include tier applications. This is a revision of the latter (# DEPLW-0308-D2002 first published in March 2002). The revisions are minor in nature and either correct typos or clarify the intent in certain areas.

THE NATURAL RESOURCES PROTECTION ACT APPLICATION

This form should be used for the Department of Environmental Protection (DEP) and can be used for the U.S. Army Corps of Engineers (Corps). This application covers activities requiring permits under M.R.S.A. §§ 480 *et. seq.* (Natural Resources Protection Act) and 33 USC 401, Section 10; 1413, Section 404; Section 103 M.

GENERAL INFORMATION

The following is a list of things you need to know before you begin to fill out this application. Reading these eight (8) points could save you time and money!

1. This application form is to be used when requesting a permit for work in, on, over, or near a great pond, coastal wetland, freshwater wetland, significant wildlife habitat, river, stream, or brook where the activity includes filling, bulldozing, excavating, or displacing sand, soil, or vegetation, dredging, construction, or alteration of a permanent structure, or draining or dewatering and that is not eligible for a permit by rule, general permit, or tier review. There are separate application forms for activities in sand dunes.

The Corps has jurisdiction over dredging, construction of structures, and other work in navigable waters as well as placement of fill in all waters of the United States including navigable waters, all freshwater wetlands, and coastal wetlands. If your project involves an activity in these resources, the DEP will send your application to the Corps for review. Copies of the application may also be mailed directly to the Corps to avoid processing delays. In most cases, the Corps will coordinate with the DEP; however, some projects may require direct contact with the Corps (e.g. previous wetland alteration prior to September 29, 1995). If you would like copies of federal laws or more information on the Corps' jurisdiction, please direct your questions to:

U.S. Army Corps of Engineers
Maine Project Office
675 Western Avenue, #3
Manchester, Maine 04351 (207) 623-8367

Before filling out the application, please read the law over carefully. For copies of the Natural Resources Protection Act (NRPA) or for additional information regarding the Natural Resources Protection program, call the nearest DEP office (telephone numbers are listed on page 2). Under the NRPA, pay particular attention to the permitting standards (section 480-D) and the exemptions (section 480-Q). In addition to the NRPA, you may also need the following materials to successfully complete the application:

- Wetland Protection Rules, 06-096 CMR 310. Available from the DEP, Bureau of Land & Water Quality.
- Maine Erosion and Sediment Control Handbook: Best Management Practices, 1991. Available from the Cumberland County Soil and Water Conservation District (207) 839-7842.
- Solid Waste Rules, 06-096 CMR 400-405. Available from the DEP, Bureau of Remediation and Waste Management (207) 287-2651.
- Rules Concerning the Processing of Applications, 06-096 CMR 2. Available from the DEP, Bureau of Land & Water Quality.

2. Before drafting actual plans, you are strongly urged and in some cases required (see #3 below) **to meet with DEP staff to discuss your project, any questions you may have, and applicable permitting requirements.** The Corps, and other state and federal agencies may also attend this pre-application meeting. Prior to meeting with staff, you should submit: a location map, a sketch plan of the site, a brief project description, a description of the resource that will be altered by the project, and photographs of the project site and resource. This information should be sent to the appropriate regional office listed below. **To request a pre-application meeting,** please contact the appropriate regional **DEP office, Bureau of Land & Water Quality,** for assistance:

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|----------------------|---|-----------------------|
| - for Central Maine | DEP, Division of Land Resource Regulation
17 State House Station, Augusta, ME 04333 | (207) 287-2111 |
| - for Eastern Maine | DEP, Division of Land Resource Regulation
106 Hogan Road, Bangor, ME 04401 | (207) 941-4570 |
| - for Southern Maine | DEP, Division of Land Resource Regulation
312 Canco Drive, Portland, ME 04103 | (207) 822-6300 |
| - for Northern Maine | DEP, Division of Land Resource Regulation
1235 Central Drive, Presque Isle, ME 04769 | (207) 764-0477 |

3. A pre-application meeting and a pre-submission meeting is required (see Chapter 2, Rules Concerning the Processing of Applications) before the submission of a new NRPA application that involves filling or dewatering 20,000 square feet or more of a wetland of special significance, or 43,560 square feet (one acre) or more of wetland not considered of special significance; new crossings of Outstanding River Segments as defined in the NRPA section 480-P; or federal consistency determinations pursuant to the Coastal Zone Management Act. For applications that require a pre-application meeting, the applicant is also required to hold a public informational meeting in accordance with Chapter 2, Section 8, prior to submitting the application. A pre-submission meeting may be waived in writing by the Department in agreement with the applicant.

4. Processing a NRPA application may take up to 4 months, so please plan accordingly. During this time, the DEP will obtain review comments from other agencies in order to determine if the project will meet the standards of the law. The Corps will try to meet this deadline but is under no requirement to do so. The Corps & DEP will issue separate permits.

5. The DEP has a simplified permit process known as Permit by Rule (PBR) for certain activities. If your project consists **entirely** of one or more activities listed below, you should obtain a copy of the PBR standards from the DEP to determine if your project qualifies for PBR. If your project qualifies you can file a one page notification form instead of this application and work may start on the project 14 days after submittal. It is therefore to your advantage to design your project to meet the PBR standards if possible. If you have questions regarding PBR, please contact the nearest regional office for assistance. The following is a list of PBR activities:

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|---|--|
| <ul style="list-style-type: none">• Soil Disturbance• Replacement of Structures• Outfall Pipes• Crossings (Utility Lines, Pipes and Cables)• Public Boat Ramps• Piers, Wharves & Pilings• Riprap• Restoration of Natural Areas | <ul style="list-style-type: none">• State Transportation Facilities• Transfers and Permit Extensions• Intake Pipes & Water Monitoring Devices• Movement of Rocks or Vegetation• Maintenance Dredging (Previously Approved by DEP)• Selected Activities in Coastal Sand Dune Systems• Stream Crossings (Bridges, Culverts & Fords)• Fisheries & Wildlife Habitat Creation or Enhancement and Water Quality Improvement Projects. |
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Please note that a number of PBR activities require a separate application to and approval by the Corps **before the work can begin**. Read the PBR application carefully. If you have any questions you may contact the Corps directly at (207) 623-8367.

6. If your project is in an unorganized township it may require a permit from the Maine Land Use Regulation Commission (LURC). Please read NRPA Section 480-V to determine if your project also requires a DEP permit. (The Department has jurisdiction over freshwater and coastal wetlands in unorganized townships.) Any question regarding LURC requirements or permits should be directed to:

Maine Land Use Regulation Commission
Department of Conservation
22 State House Station
Augusta, ME 04333-0022 (207) 287-2631

7. If your project involves State-owned submerged lands (beyond low water), it may require a lease or easement from the Department of Conservation, Bureau of Parks & Land (BP&L). A copy of this application form will be furnished to BP&L to determine whether a lease or easement will be required for you to establish title, right, or interest in the submerged lands. BP&L will contact you if a lease or easement is required. Any questions regarding submerged lands should be directed to:

Bureau of Parks & Land
Department of Conservation
22 State House Station
Augusta, ME 04333-0022 (207) 287-3061

8. The DEP does not discriminate on the basis of disability in its programs or services. If you need assistance, contact the DEP Americans with Disabilities Act Coordinator (287-2691). **This material can be made available in alternate formats.**

GENERAL APPLICATION INSTRUCTIONS:

1. The attached application form must be filled out completely and submitted with all required attachments (exhibits). The information provided in this application is necessary to evaluate the project. Be sure to provide detailed descriptions. The block numbers in the attached instruction sheet match the block numbers on the form. Answer every block unless otherwise directed. **If additional information is required to fully answer the question, clearly label the block number on the separate sheet and organize the extra information and attachments in numerical order.** If after reading these instructions you have questions, please call the nearest regional office. (Phone numbers and addresses are shown on page 2.)

2. All projects involving freshwater wetlands, coastal wetlands, or a great pond require the submission of an alternatives assessment, as outlined in Part II of the application. The coastal wetland characterization checklist provided in Appendix A is required for all projects impacting coastal wetlands. Submit all the other requirements in Part II of the application if your project includes any of the following activities:

- Alterations in freshwater wetlands of special significance impacting more than 500 square feet (e.g. fill, excavation, dredging, removal of vegetation, or permanent structures) except for crossings of rivers, streams or brooks which meet Permit by Rule standards.
- Alterations in freshwater wetlands not of special significance involving fill, excavation, dredging, removal of vegetation, or permanent structures impacting 43,560 square feet or more.
- Alterations in coastal wetlands impacting marsh vegetation, or involving fill of more than 500 square feet of intertidal or subtidal area.
- Dredging in coastal wetlands of any amount greater than 10 cubic yards in an intertidal area, or greater than 100 cubic yards in a subtidal area.
- Alterations in great ponds involving fill, excavation, dredging, removal of vegetation, dewatering or draining, or permanent structures.

NOTE: Activities not listed above do not generally require completion of Part II. However the DEP may require additional information where necessary to fully evaluate the application.

All projects involving dredging must complete Part III of this application.

3. Prior to submitting the application to the DEP, the applicant is required to publish a public notice, please refer to the sheet "Information Concerning the Filing of a Public Notice" and the "Notice of Intent to File" form included in this package.

4. Please **submit the original application and photos** and required number of copies, along with the appropriate fee (see the attached fee schedule) to the appropriate regional office. (The number of copies of the application required varies with the project, to determine the exact number, please call the appropriate regional office. Otherwise submit the original application and 7 copies). In addition, **one copy of this application and all attachments must be filed with the municipal office** and be available for public inspection in the city or town of the proposed project. Be sure to **retain a copy of the application for your own records**. A reminder: A copy of the application may be mailed directly to the Corps in order to expedite their review.

INSUFFICIENT OR MISSING INFORMATION ABOUT THE PROJECT IS FREQUENTLY A CAUSE OF DELAY. APPLICATIONS WITH MISSING INFORMATION OR ATTACHMENTS CANNOT BE PROCESSED AND WILL BE RETURNED AS INCOMPLETE.

The easiest way to use this application is to remove the application form from the center of the packet and answer the questions using the following instructions as a guide.

PART I INSTRUCTIONS:

Block 1. Name of Applicant. Write in the name of the landowner or person that has a legal interest in the property. If the landowner is an agency, company, corporation, or other organization, please include the organization's name and the name of a staff person we can contact about the project.

Block 2. Applicant's Mailing Address. Write in the full mailing address of the applicant. Copies of all correspondence will be mailed to this address.

Block 3. Applicant's Daytime Phone #. Write in the applicant's daytime telephone number, including the area code. This should be a number where the applicant can usually be reached during normal working hours. If the applicant can not be reached during normal working hours, it may be helpful to have an agent (see Block 4).

Block 4. Name of Agent. The DEP and the Corps do not require an agent for this application. If the applicant has chosen to have an agent, please provide the name of the person chosen to represent the applicant in the application process. The agent can be a consultant, contractor, engineer, or other person willing to provide assistance. The DEP and/or Corps staff will contact the agent first if we have questions. The applicant will always be sent a copy of any letters written about the project. If an agent is not being used do not fill in Blocks 4, 5 and 6.

Block 5. Agent's Mailing Address. Please write in the full mailing address of the agent. All original correspondence will be sent to this address.

Block 6. Agent's Daytime Phone #. Write in the full telephone number where the agent can be reached during normal working hours. The DEP and/or Corps will use this telephone number if we have any questions about the application. Quick answers can help minimize delays in the application process.

Block 7. Location of Project. Write in the name of the nearest road, street, or route number to the project site.

Block 8. Town. Write in the name of the town or city where the project is located. This may be different from the applicant's mailing address.

Block 9. County. Write in the name of the county where the project is located.

Block 10. Type of Resource. Please check the appropriate resource that proposed project is located adjacent to, or that will be impacted. If more than one resource is involved, please check all that apply.

Block 11. Name of Resource. Write in the name of the resource(s), such as Sebago Lake, Casco Bay, or the Penobscot River. Names of the resources, if named, are usually shown on U.S.G.S. topographical maps. Many wetlands, small streams and brooks are unnamed, if this is the case write UNNAMED in this block.

Block 12. Amount of Impact. Write in the amount of wetland area; lake bottom; or river, stream, or brook bottom that will be altered for the project. Please use the total footprint area of all alterations measured in square feet. If more than one resource is involved, identify the resources to be impacted and break down the amount of impact by resource. If both temporary and permanent impacts are proposed, please break down the amount of impact by duration as well. The impacted area may be greater than just the area where a project physically takes place. Alteration means causing any change to the resource and

includes dredging; bulldozing; removing or displacing soil, sand, vegetation, or other materials; draining or dewatering; filling; or any construction or modification of any permanent structure in, on, over, or adjacent to the resource. If the proposed project is adjacent to the resource but not in the resource please write 0 (zero). **For alterations to a river, stream, or brook also include linear feet of impact. If there are resources that have been previously filled or altered on the site please note the amount and date of the alteration to the best of your knowledge.

Block 13. Type of Wetland. Please check the type of wetland that will be altered by the project. If more than one type of wetland will be altered, check all boxes that apply. Wetland types are based on the plants living in the wetland. Examples of forested wetlands include Red Maple Swamps and Cedar Swamps. Scrub shrub wetlands include Alder Swamps. Emergent wetlands include Cattail Marshes. Wet Meadow wetlands include Sedge Meadows and grass lands. Peatlands include bogs, heaths and fens. Open Water wetlands have ponded water for most of the year. Under Vegetation Type, "deciduous" means that the plants in the wetland lose their leaves for the winter months such as red maple. "Coniferous" means that the wetland has evergreen trees such as fir and spruce. If you have a wetland with vegetation that is not described by any of the boxes, please check "other" and describe the wetland vegetation. If you need more room, please attach a separate sheet labeled "Block 13" for your explanation. If you have any questions about which boxes to check, please call the nearest DEP office.

If you are submitting a Tier 1 or Tier 2 project, check the box that matches the # of square feet written in Block 12. Fees for tiers are based on square footage.

Block 14. Project Description. Describe the purpose and need for the project in detail. What will it be used for and why? Describe the type of activity involved (i.e. dredging, filling, constructing a structure). Provide information on the amount of dredge spoils, amount and type of fill, and/or the dimensions for any structures proposed. The written description and drawings are very important parts of the application. You must also include some explanation why the project cannot be located wholly in the upland portions of your property. For example, if the upland portions of your property are excessively steep, consist of ledge and bedrock or are otherwise unsuitable for your project, you must explain this in Block 14. This information is vital in order for the department and federal reviewers to determine that you have avoided wetland impact to the extent practicable. Without this information your project could be unnecessarily delayed. If more space is needed, attach extra sheets of paper marked "Block 14".

Block 15. Size of Lot or Parcel. Please write in the approximate size of the lot or parcel in square feet or acres. Check the unit size used. This information is available at the town office.

Block 16. Title, Right, or Interest. Check whether you own, lease, have an option to buy, or have a written agreement to use the property. Please attach a copy of your deed, or other legal documents establishing title, right, or interest in the site and label it as Block 16.

Block 17. Deed Reference Numbers. Write in the deed reference numbers showing book and page. This information can be obtained at the County Registry of Deeds.

Block 18. Tax Map # and Tax Lot #. Write in the town tax map number(s) and lot number(s) for the property where the project is located. This information can be obtained from the local tax bill, tax assessor or town office in which the project is located.

Block 19. DEP Staff Previously Contacted. Write in the name(s) of any DEP staff that is familiar with the project and/or the project site. Include staff that have visited the site and/or have discussed the proposed project in detail with you.

Block 20. Part of a Larger Project. Check yes or no regarding association with another project. Is this application being submitted "After the Fact"? Check yes or no.

Block 21. Resubmission. If an application has been submitted to the DEP and was either withdrawn by the applicant or returned as deficient by the DEP, check YES. If the application has been returned as deficient, a pre-submission meeting is required to ensure that the information is complete. Call the appropriate regional office to set up a pre-submission meeting with the project manager. If you checked YES on Block 20, write the original application number and the name of the project manager as shown on the deficiency letter. (Example application number: L-19054-L6-A-N)

Block 22. Written Notice of Violation. If you have received a written notice of violation from the DEP for all or part of this project, check YES. If you checked yes, write in the name of the staff person as shown on the notice of violation.

Block 23.. Previous Wetland Alteration. If any wetland area has been altered on the property, before this application was submitted, please check YES. If you check YES, please attach a separate sheet labeled "Block 23" and provide information on the size of the previous wetland alteration, the date(s) when the alteration occurred, and whether State and/or Federal permits were obtained for the activity. Please include permit numbers, if known. Often, this information is available from the original developer, town records, DEP or the Corps.

Block 24. Detailed Directions to the Project. Provide detailed directions to the project site from a known location or landmark so that a site visit may be made, if necessary. Include highway and street numbers as well as names. Also provide distances from known locations or landmarks and any other information that may be helpful in locating the site.

Block 25. Tier 1 and Tier 2. This block outlines what is needed for attachments to the application form. Tier 1 submittals are different than Tier 2 submittals. If you checked a box in Block 13 for Tier 1, you are only required to submit the listed items under "Tier 1" in this Block. If you checked a box in Block 13 for Tier 2/3, please submit all required items under "Tier 2/3" in this Block. ***IF TWO COPIES OF ALL APPROPRIATE SUBMITTALS ARE NOT ATTACHED, THE APPLICATION WILL BE RETURNED.***

Block 26. Fees. Write in the amount of application fees enclosed with the application (see **current** Licensing Fee Schedule. Make check payable to "Treasurer, State of Maine". There are no additional fees required by the Corps.

Attachments For All Projects: Attach all of the information listed. Label each exhibit with the appropriate exhibit number, if appropriate, and place behind the application form in numerical order.

PART 1A. ATTACHMENTS FOR ALL PROJECTS EXCEPT TIER 1 AND TIER 2

☐ **Exhibit 1**, a project description. Describe the project in detail. Include the dimensions of all permanent and temporary structures; the dimensions of impact or alteration caused by each portion of the proposed project; and the type of activity involved. This written information regarding your project should match the information shown on site plans or drawings.

If any resource area has been altered on the property before this application was submitted, provide information on the size of the previous alteration, the dates when the alteration occurred, and whether state or federal permits were obtained for the activity(ies).

If the proposed project is part of a larger or multi-phased project, describe the larger project including all phases. If the proposed project will occur in a fragile mountain area, include the name of the mountain and the approximate elevation at which the alteration will occur.

☐ **Exhibit 2**, project need. Describe the purpose or need for the project. What will it be used for and why?

☐ **Exhibit 3**, a map with the project location clearly marked. Acceptable maps are USGS topographical maps or the Maine Atlas and Gazetteer. These may be available in local sporting goods stores or the municipal offices. Clear photocopies of these are also acceptable.

☐ **Exhibit 4**, color photographs that clearly show the area to be altered and generally show vegetation and other landscape features. (Winter photos with snow cover are not acceptable.) Photographs must be mounted on 8½ x 11" sheets and each photo must be labeled to describe each view, location, and the date taken. An original set of photographs or colored photocopies must be attached to the original application. Legible, black and white photocopies of the photos are acceptable for the copies of the application. If photocopies are not clear or legible, duplicate photos must be included. In addition, aerial photographs, if available, are encouraged.

☐ **Exhibit 5**, overhead and side view plan drawn to scale which show the project and the immediate surroundings in detail. Include the following information:

- ☐ The exact location of any lake, pond, river, stream, brook (perennial or intermittent) and/or wetland with the normal high water line, low water line, and/or wetland boundary shown. Show direction of flow for rivers, streams, and brooks.
- ☐ The exact location and dimensions of the proposed project on the lot or parcel, including areas of soil disturbance, fill, and structures.
- ☐ The location and dimensions of all existing structures on the lot. Existing structures must all be shown on abutting lots, if they are located within 50 feet of any proposed structure.
- ☐ The location and dimensions of any proposed seasonal structures. (A seasonal or temporary structure is a structure in place for less than 7 months a year.) Note: Seasonal structures in tidal waters (e.g. floats) still need Corps approval.
- ☐ The location and type of all proposed erosion control measures.
- ☐ For piers, wharves, floats, etc., show the distance to abutting property lines from the proposed structure(s) and the distance to any existing structures (piers, wharves, etc.) on the abutting properties. If property lines are within 100 feet of the proposed structure(s), they should actually be drawn on the plan. An enlarged tax map is often a good reference for this information.

- Clearly identified wetland boundaries and wetland impact areas.
- The location of all property lines and the names of all abutters.
- For work in tidal waters the mean high and mean low water lines should be shown on all plans.
- The applicant's name, the scale of the drawings or plans, a north arrow, a legend, and the date. If drawings are not to scale they should be clearly dimensioned.
- Contour lines for significant regrading projects, and large scale projects that trigger pre application meetings or that require a Site Location of Development Act permit.

☐ **Exhibit 6**, additional plans, if applicable:

- Cross sectional drawings for piers, roadways, stream crossings, dredging projects, retaining walls, riprap, gravel removal, pond construction, fill projects, and dams.
- Profile drawing or plans for projects involving significant amounts of stream culverting or channelization work, roads involving steep embankments or inclines, and boat ramps.

The scale of the drawings must be no smaller than 1 inch equals 100 feet. Larger scale 1" = 20' or 1"=50' plans are also acceptable. **ALL drawings larger than 8½" x 11" must be folded to 8½" x 11". Please note that for the Corps review at least one set of drawings must be on 8½" by 11" size paper.** They must be clear, reproducible, and legible; and each sheet (including the location map) must have a consistent title block, numbering scheme, and date. PLEASE ALSO NOTE THAT REDUCTIONS OF LARGE SCALE PLANS ARE NOT GENERALLY ACCEPTABLE.

All work performed by a professional engineer or other licensed professional must be dated, stamped and signed by the professional.

THE DEPARTMENT HAS FOUND THAT A MAJOR CAUSE OF APPLICATIONS BEING RETURNED IS THE LACK OF PROPERLY PREPARED PLANS. CLEAR AND ACCURATELY DETAILED PLANS ARE CRITICAL TO EFFICIENT APPLICATION PROCESSING. IF YOU DO NOT POSSESS STRONG SKILLS IN DRAFTING PLANS, THE DEPARTMENT RECOMMENDS THAT YOU OBTAIN THE SERVICES OF SOMEONE WHO CAN.

☐ **Exhibit 7**, a construction plan. Describe in detail how the project will be constructed. Be sure to include how the site will be accessed, each step of the construction, timing for each step, materials to be used (including the type of preservative for treated wood and poured or pre-cast concrete, if any) and any project phasing.

☐ **Exhibit 8**, an erosion control plan. If the proposed project includes grading, bulldozing, digging, scraping the earth, or filling, attach a plan describing in detail the temporary and/or permanent erosion control measures that will be used, when they will be installed, and how they will be maintained. (All erosion control measures must be shown on the project plans and must conform to the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, 1991.)

☐ **Exhibit 9**, the Notice of Intent to File. Fill out the Notice of Intent to File included in the application (Page 16). Submit the original with the application. **Distribute copies as outlined in the "Information Concerning the Filing of Public Notice"(Page 16).**

☐ **Exhibit 10, for Corps review only.** Applicants must submit a copy of this application and plans to the Maine Historic Preservation Commission (MHPC) at the same time or before they submit this application for review. The MHPC address is: Earle G. Shettleworth, Jr., MHPC, 65 State House Station, Augusta, ME 04333-0065. Attach in this exhibit evidence that the MHPC was provided a copy of the application. Submit any correspondence from the MHPC to the Corps upon receipt.

PART 1B.

ATTACHMENTS FOR TIER 1 PROJECTS

TIER 1: Attach.

- ☐ A check for the correct fee, using Block 13 to determine fee (see current fee schedule).
- ☐ The appropriate United States Geological Survey Map (U.S.G.S. topo map, 7 1/2 minute if available) or the Maine Atlas and Gazetteer with the project location clearly marked and labeled on the map. A photocopy of the applicable portion of the topo map is sufficient provided it is clear and readable.
- ☐ A top view drawing of your entire property must include: all wetland areas, boundaries and wetland types; existing and proposed fill, excavation, roads, and structures; any surface water bodies within 100 feet of the activity; and 25 foot wide buffer strips between the project and any river, stream, or brook. Also include a cross sectional drawing of any fill or excavated areas. All drawings must be drawn to scale and labeled with the applicant's name, the scale used and the date prepared. **Please note that the Corps requires all drawings to be submitted on 8 1/2" x 11" paper which are clear, legible and reproducible.**
- ☐ Color photos showing the wetland in the project area. Label each photo with the applicant's name, town where the project is located, and the date taken.
- ☐ Avoidance or Minimization:
 1. Avoidance: Each applicant must provide a narrative that demonstrates that there is no less environmentally damaging practicable alternative to the proposed alteration that meets the project purpose. Determining whether a practicable alternative exists includes: use of other sites; reducing the size, scope, configuration or density of project; developing alternative project designs; demonstrating the need for the proposed alternative..
 2. Minimization: The applicant must demonstrate that the amount of wetland to be altered will be kept to the minimum amount necessary.
- ☐ As a requirement of the Corps only, a copy of this application, including attachments, must be sent to the Maine Historic Preservation Commission (MHPC) before, or at the same time, the application is filed with the DEP. The applicant should submit a copy of the cover letter to the MHPC or a signed statement that this has been done. The address is: Earle G. Shettleworth, Jr., MHPC, 65 State House Station, Augusta, ME 04333-0065.
- ☐ **Submit two (2) copies of the application.** Be sure to retain a copy of the application for your records.

PART 1C. ATTACHMENTS FOR TIER 2 PROJECTS

TIER 2: Attach

- ☐ A check for the right fee, using Block 13 to determine fee (see current fee schedule).
- ☐ The appropriate United States Geological Survey Map (U.S.G.S. topo map, 7 ½ minute if available or the Maine Atlas and Gazetteer with the project location clearly marked and labeled on the map. A photocopy of the applicable portion of the topo map is sufficient provided it is clear and readable.
- ☐ Color photos showing the wetland in the project area. Label each photo with the applicant's name, town where located, and the date taken.
- ☐ A top view drawing of your entire property must include: all wetland areas, boundaries and wetland types; existing and proposed fill, excavation, roads, and structures; any surface water bodies within 100 feet of the activity; and 25 foot wide buffer strips between the project and any river, stream, or brook. Also include a cross sectional drawing of any fill or excavated areas. All drawings must be drawn to scale and labeled with the applicant's name, the scale used and the date prepared. **Please note that the Corps requires all drawings to be submitted on 8 1/2" x 11" paper which are clear, legible and reproducible.**
- ☐ A written certification by a knowledgeable professional experienced in wetland science that the project will not alter, or cause to be altered, a wetland of special significance as described in 38 M.R.S.A. Sec. 480-X(4) or (5). See the reverse side of application form for a listing of these wetlands.
- ☐ Documentation that public notice of Intent to File has been provided for the proposed project in accordance with Department rules. A public notice is required for all projects requiring Tier 2 review. A blank Notice of Intent to File form is provided in this application packet for your use.
- ☐ A narrative and drawing showing the proposed erosion control plan. The narrative should include a sequence for construction and provisions for installing and maintaining erosion control measures. The drawing must show the location of all proposed erosion control measures.
- ☐ A statement describing why the project cannot be located completely in upland areas, and a discussion of alternatives that exist for the project that would either avoid or minimize the amount of wetland alteration.
- ☐ Avoidance or Minimization:
 - (1) Avoidance: Each applicant must provide a narrative that demonstrates that there is no less environmentally damaging practicable alternative to the proposed alteration that meets the project purpose. Determining whether a practicable alternative exists includes: use of other sites; reducing the size, scope, configuration or density of project; developing alternative project designs; demonstrating the need for the proposed alternative.

(2) Minimization: The applicant must demonstrate that the amount of wetland to be altered will be kept to the minimum amount necessary.

- ☐ A plan for compensating for degraded or lost functions and values of the freshwater wetland when required by, and in accordance with, Chapter 310 Wetland Protection Rules. (This rule is available at all department regional offices.) Section 5C of the rule describes when compensation is required and Section 6B describes what a compensation plan must contain such as an implementation and monitoring schedule as well as a demonstration that the applicant has the financial capacity to carry out the compensation. Whenever compensation is required, the Department strongly recommends the applicant request a pre-application meeting to discuss permitting requirements. Whenever possible, the DEP will include the Corps in any pre-application meeting.
- ☐ For work in previously mined peatlands, provide information on the past mining activity such as the area and depth to which peat has been excavated from the site, any restoration work on the site, and the current condition of the site.
- ☐ As a requirement of the Corps only, a copy of this application, including attachments, must be sent to the Maine Historic Preservation Commission (MHPC) before, or at the same time, the application is filed with the DEP. The applicant should submit a copy of the cover letter to the MHPC or a signed statement that this has been done. The address is: Earle G. Shettleworth, Jr., MHPC, 65 State House Station, Augusta, ME 04333-0065.
- ☐ **Submit two (2) copies of the application.** Be sure to retain a copy of the application for your records.

NRPA application form -- see separate file (nrpaform)

SIGNATURE PAGE

By signing below the applicant (or authorized agent), certifies that he or she has:

- ☐ Completed all of the public notice requirements listed on the next page of this application.
- ☐ Read and understood the following:

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in, or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Routine Uses: Information provided on this form will be used in evaluating the application for a permit. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application can not be processed nor can a permit be issued.

CORPS SIGNATORY REQUIREMENT

USC Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry shall be fined not more than \$10,000 or imprisoned not more than five years or both. I authorize the Corps to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein.

DEP SIGNATORY REQUIREMENT

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

"I hereby authorize the person named below to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application."

SIGNATURE OF APPLICANT, *if agent involved*

DATE

"Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in the application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant."

SIGNATURE OF AGENT/APPLICANT

DATE

NOTE: Any changes in project plans must be submitted to the DEP and the Corps in writing and must be approved by both agencies prior to implementation. Failure to do so may result in enforcement action and/or the removal of the project changes.

ELIGIBILITY CRITERIA & STANDARDS

This form constitutes a joint application to both the Maine Department of Environmental Protection and the U.S. Army Corps of Engineers for a proposed alteration to a freshwater wetland that qualifies for either Tier 1 or Tier 2 review. Either of these agencies, or their review agents, may contact you for further information regarding your project. The square footage of impact is based on the alteration or impact of the whole project in the wetland. If any part of the overall project requires a higher tier review, then the whole project will be reviewed under that higher tier.

NOTE: Single, complete projects that impact less than 4,300 square feet and do NOT occur within: another type of protected natural resource; 25 feet of another protected natural resource and erosion controls are used; a municipal shoreland zone; a wetland normally containing at least 20,000 sq. ft. of open water, aquatic or emergent marsh vegetation; a peatland are exempt under the Natural Resources Protection Act, 38 M.R.S.A. Section 480-Q(17).

Upon receipt of a complete application, the Department shall inform the applicant in writing within 30 days if the project is not eligible for Tier 1 review and within 60 days if not eligible for Tier 2 review.

General Requirements for Tier 1 & Tier 2 Review:

The proposed freshwater wetland alteration:

- must be avoided if feasible after considering cost, logistics, technology and the overall purpose of the project;
- if unavoidable, must be limited to the minimum amount necessary to complete the project;
- must utilize both temporary and permanent erosion control measures to prevent sedimentation of any protected natural resource;
- must maintain an undisturbed 25 foot buffer strip between the activity and any river, stream or brook; and
- must not violate any state water quality law, including those governing the classification of the State's waters.

Tier 1 Review Criteria

The Tier 1 review process applies to projects altering up to 15,000 square feet of freshwater wetland provided your project meets the general requirements listed above and the activity does **NOT** occur:

- within 250 feet (measured horizontally) of a coastal wetland;
- within 250 feet (measured horizontally) of the normal high waterline, and within the same watershed, of any lake or pond classified as GPA; [NOTE: Nearly all great ponds are classified GPA.]
- in a freshwater wetland containing under normal circumstances at least 20,000 square feet of aquatic vegetation, emergent marsh vegetation or open water. [NOTE: This restriction does not apply to artificial ponds or impoundments unless the impoundment is considered part of the river, stream or brook.];
- in a freshwater wetland inundated during a 100 year storm event (i.e. floodplain wetland) as evidenced by the Federal Emergency Management Agency (FEMA) maps or other site specific information;
- in a freshwater wetland containing significant wildlife habitat;* or
- in a freshwater wetland identified as a peatland dominated by shrubs, sedges and sphagnum moss.* [Note: The Department may allow previously mined peatland to be eligible for Tier 1 or 2 review.]

Tier 2 Review Criteria:

The Tier 2 review process applies to projects altering 15,000 square feet up to 43,560 square feet (one acre) of freshwater wetland provided your project meets the general requirements listed above and the activity does **NOT** occur :

- in the areas listed under Tier 1 Review Criteria ; or
- in a freshwater wetland containing a natural community that is critically imperiled (S1) or imperiled (S2) as defined by the Natural Areas Program.

[NOTE: Information about S1 and S2 communities can be obtained through DEP regional offices and the Natural Areas Program, now located within the Department of Conservation.]

Note: The Department may allow certain projects to proceed under a Tier 1 or 2 process if it determines that the project will not negatively affect wetland or other protected natural resources.

Tier 3 Review:

Tier 3 is a full review process under the Natural Resources Protection Act, involving the use of a full application form. Tier 3 review, or full review, is required for freshwater wetland alterations not eligible for Tier 1 or Tier 2 review due to wetland type, activity location, or project size. Full NRPA review is required for projects not otherwise qualifying for reduced review procedures, such as permits by rule or general permits.

* Information on these items is available through the appropriate DEP regional office

INFORMATION CONCERNING THE FILING OF PUBLIC NOTICE

The Department of Environmental Protection requires that an applicant provide public notice in which he/she describes the project activity and where it is located. Three notices all using the same form (see Notice of Intent to File) are required. The notice requirements are as follows:

1. Newspaper

You must publish the Notice of Intent to File in a newspaper circulated in the area where the project is located. The notice must appear in the newspaper within 30 days prior to your filing the application with this Department.

2. Abutting Property Owners

You must send a copy of the Notice of Intent to File by certified mail to the owners of the property abutting the project. Their names and addresses can be obtained from the town tax maps or local officials. They must receive notice within 30 days prior to your filing the application with this

In addition, Maine Public Law 761, enacted in 2000, requires that a public notice must be sent to the local water company, municipality, or water district if your project is in the watershed of a public water supply.

List below the names and addresses of the owners of abutting property (attach an additional sheet if necessary)

NAME	ADDRESS

3. Municipal Office

You must send a copy of the Notice of Intent to File and a **duplicate of the entire application** to the Municipal Office.

4. Water Company/District

If the river, stream, or brook is used by a water company, municipality, or water district as a source of water supply, you must also, at the time of filing the application, forward a copy of the application to the water company, municipality, or water district by certified mail.

NOTE: *The applicant shall use the Notice of Intent to File form on the next page or one containing identical information to notify abutters, municipal officials, and local newspapers.*

**PUBLIC NOTICE:
NOTICE OF INTENT TO FILE**

Please take notice that

(Name, Address and Phone of Applicant)

is intending to file a Natural Resources Protection Act permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S.A. §§ 480-A through 480-Z on or about _____

(anticipated filing date)

The application is for

(description of the project)

at the following location:

(project location)

A request for a public hearing or a request that the Board of Environmental assume jurisdiction over this application must be received by the Department, in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application.

For Federally licensed, permitted, or funded activities in the Coastal Zone, review of this application shall also constitute the State's consistency review in accordance with the Maine Coastal Program pursuant to Section 307 of the federal Coastal Zone Management Act, 16 U.S.C. §1456. (Delete if not applicable.)

The application will be filed for public inspection at the Department of Environmental Protection's office in *(Portland, Augusta or Bangor)*(circle one) during normal working hours. A copy of the application may also be seen at the municipal offices in

_____, Maine.
(town)

Written public comments may be sent to the Department of Environmental Protection, Bureau of Land and Water Quality, 17 State House Station, Augusta, Maine 04333-0017.

APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT PART II

This part of the application is required for projects impacting a freshwater wetland, coastal wetland, or great pond. IF YOU ARE NOT PROPOSING SUCH A PROJECT, PLEASE STOP HERE AND DISREGARD THE REMAINDER OF THE APPLICATION.

To complete this portion of the application, you must refer to the Wetland Protection Rules, Chapter 310, available from the Department. A pre application meeting is recommended to determine if Part II is required.

NOTE: Unless you have expertise in delineating wetlands and conducting wetland assessments, the Department requires that you hire a consultant/wetland scientist to provide assistance in completing this portion of the application.

1. ALTERNATIVE ANALYSIS

- ☐ Attach as **Exhibit 11**, a report that analyzes whether a practical alternative to the alteration exists. The report must address the project purpose and need, and why the project cannot be completed by:
 - ☐ Utilizing, managing or expanding one or more other sites that would avoid the wetland impact;
 - ☐ Reducing the size, scope, configuration or density of the project as proposed, thereby avoiding or reducing the wetland impact; or
 - ☐ Developing alternative project designs, such as cluster development, that avoid or lessen the wetland impact.

2. SITE CONDITIONS

- ☐ Attach as **Exhibit 12**, for projects impacting freshwater wetlands or great ponds, a wetland delineation report containing the following:
 - ☐ A plan at the scale of a minimum of 1 inch equals 100 feet, that shows two-foot contour intervals, existing wetland boundaries, the area of the wetland to be altered, project location and dimensions, and wetland classification(s). All components of the project impacting the wetland or other protected natural resources must be included;
 - ☐ A description of existing wetland characteristics including water depths, vegetation, and fauna;
 - ☐ Current photographs of the wetland to be altered that show its characteristics. Photographs may be taken from the air or the ground but should be taken during the growing season.
 - ☐ A description of the methods used to delineate the wetland boundaries, and a copy of data sheets completed during the delineation. Please note that wetland delineations must be performed using the 1987 Corps of Engineers Wetland Delineation Manual, or its successor unless otherwise approved by the DEP and the Corps.

- ☐ Attach as **Exhibit 12**, for projects impacting coastal wetlands, the coastal wetland characterization checklist described and provided in Appendix A of this application.

3. FUNCTIONAL ASSESSMENT

- ☐ Attach as **Exhibit 13**, when required by the Wetland Protection Rules, a functional assessment conducted by a qualified professional on the wetland area to be altered which analyzes the area based on the functions and values it serves and how these will be affected by the proposed alteration.

NOTE: The functional assessment must be conducted by a qualified professional(s) using an acceptable methodology approved by the Department and the Corps. If other than an established methodology is proposed, the applicant must submit documentation describing how the methodology was developed, how the wetland functions and values are determined using the methodology, and how much field testing the technique has undergone. In cases where the size of the wetland alteration or other factors make use of an established assessment methodology impractical or inappropriate, the Department and the Corps may instead accept the best professional judgment of a qualified professional. The applicant must notify the Department if he or she intends to use best professional judgment. Contact the Department for further information.

4. COMPENSATION

NOTE: Applicants and their agents are strongly recommended to contact the DEP and the Corps prior to developing a compensation plan.

For applications which include compensation, projects will be held to the Standards For Compensation (Section 6) of the Wetland Protection Rules.

A. For applications which propose wetland restoration, creation, or enhancement,

- ☐ Attach as **Exhibit 14**, a plan for the proposed compensation work including:
 - A drawing at a scale of one inch equals 100 feet showing proposed boundaries and characteristics of the compensation site, including existing and proposed two-foot contour intervals, wetland boundaries, vegetation types, and sources of water;
 - A narrative describing the specific goals of the compensation work in terms of particular wetland functions and values. These goals must be related to the lost or degraded functions of the wetland to be impacted by the project. This narrative must also identify the criteria by which to measure success of the compensation work;
 - Proposed implementation and management procedures for the compensation work;
 - A description of the short-term and long-term sources of water for the wetland, including the water quality of these sources;
 - A narrative and drawing showing the planting plan, if applicable, including a description of plant species, sizes and sources of plant material, numbers of each species/size, proposed spacing of plants and an explanation of how, when and where seeding and/or planting will take place;
 - A narrative and drawing of proposed buffers and other protection measures, such as sediment control measures;

- A description of the plans for monitoring the compensation work, including identifying criteria which will be used to determine if mid-course corrections are required, a description of proposed remediation measures, and a schedule for implementation;
- A narrative describing plans, if any, for control of non-indigenous plant species;
- A schedule for implementing the compensation plan;
- A description of available literature on, and a demonstration of sufficient scientific expertise to carry out the proposed compensation work;
- A demonstration of sufficient financial resources to complete the proposed compensation work, including subsequent monitoring and corrective actions;
- Documentation of a deed restriction or conservation easement to be conveyed to a qualified holder for protection of the compensation area. This documentation must:
 - a) Provide for maintenance of the area as a wetland and/or buffer in perpetuity,
 - b) Authorize the Department to act as an enforcing agent,
 - c) Include the requirement that any future alterations in, on or over the compensation area be approved by the Department.

B. For applications which propose preservation of wetlands or adjacent uplands,

☐ Attach as **Exhibit 14**, the following information:

- A location map of the preservation site;
- A legal description of the property to be preserved;
- A description of the preservation site including existing vegetation, sources of water, functions and values, existing uses, and potential threats to the functions and values of the site.
- Documentation of a conservation easement or deed restriction which protects the property as a conservation area in perpetuity, and authorizes the Department to act as an enforcement agent. These areas may be deeded to local or state conservation groups or agencies, but any land management practices must be approved by the Department.

APPENDIX A

MAINE'S COASTAL WETLANDS: COASTAL WETLAND CHARACTERIZATION GUIDELINES

(Partly derived from Maine's Coastal Wetlands: Volume II)

Guidelines for the sampling and assessment of coastal wetlands have been developed by the Department of Environmental Protection to standardize habitat characterizations and functional assessments of coastal wetlands as required by the Natural Resources Protection Act (NRPA). The NRPA requires all applicants to characterize coastal wetland areas occurring in the location or vicinity of a proposed activity. Intertidal and/or subtidal characterizations are required for the following projects: fill, crib-supported or subtidal piers, lobster pounds, shoreline stabilization, or dredging. Projects impacting over 500 square feet of coastal wetland require a functional assessment performed by a professional wetland scientist unless the Department determines that the activity will have minimal adverse impact on the functions and values of the wetland.

This checklist satisfies the requirement for Exhibit 12, Wetland Delineation Report, described in Part II of the NRPA application for coastal wetlands located only in intertidal areas and subtidal areas less than one foot in depth. The checklist is required for all projects impacting coastal wetlands to provide information describing coastal habitats and assess their most critical functions and values with the least amount of sampling effort possible, providing DEP licensing staff and biologists with information. The information provided will be used to determine whether the Department will require further sampling and assessment. This checklist does not substitute for any other NRPA application requirements.

SURVEY METHODS:

Following the methods below, survey and photograph the project area on an ebb tide.

1. Walk throughout the project area and note the location and measurements of all dominant habitat types. If not part of an application, complete an overhead drawing of the project area. The overhead drawing should include the location and types of vegetation, boundaries of habitat types, sample locations, the location of spring high tide, mean high water and mean low water, and contours, if possible.
2. Take photographs of project area and habitat types. (Include date, time, tide cycle and location of each photograph).
3. Search throughout the entire project site, turning over rocks, wood, and algal mats, and look for any identifiable organisms present on the surface of the habitat, list the organisms found if known, and estimate their relative abundance. Complete the Checklist.
4. Using a clam rake or shovel, turn over sediments at random locations throughout the intertidal zone (at least one per zone, high, mid and low). Look for any identifiable organisms present in the sediments and estimate their relative abundance. Mark location on overhead drawing. Complete the Checklist.

PLEASE NOTE: Some activities may require quantitative benthic analysis of the sediments. Examples of such activities include dredges, lobster pounds, and fill projects consisting of over 500 square feet. Determination of sampling requirements may be made through consultation with DEP licensing staff and biologists. Guidelines for quantitative benthic sampling can be provided on request.

DEFINITIONS:

Area of Impact:

Direct Impact: The footprint of a proposed activity; e.g. area of dredge, area covered by cribs, base of riprap.

Indirect Impact: The area surrounding a proposed activity that will potentially be affected by the activity; e.g. shoreline adjacent to riprap, salt marsh areas, shaded areas. NOTE: The area of

indirect impact will vary from site to site and should be determined on a case by case basis by the consultant, the applicant, and DEP staff.

Timing of Survey Work: The date, time of day, and tidal height of sampling. Ideally, surveys should be conducted between May 1 and November 30 on an ebb or flood tide. Surveys may be conducted at other times of year, if necessary. Include the timing of low tide on the survey date. If the activity will extend into the low intertidal and/or shallow subtidal, the survey should be conducted on a negative or zero tide.

Energy Levels:

Exposed/High energy: Area exposed to oceanic swell and wind waves. Wind fetch (i.e. direction of origin) unlimited. Water velocity exceeds 2 meters/second.

Partially exposed/Moderate energy: Oceanic swell attenuated by offshore reefs, islands, or headlands, but shoreline is substantially exposed to wind waves. Typical of cobble or gravel fields. Water velocity between 1 and 2 meters/second.

Semi-protected/Low energy: Shoreline protected from sea swell, but it may receive waves generated by moderate fetch. Typical of gravel or unconsolidated muddy sediments. Water velocity less than 1 meter/second.

Protected/Low energy: No sea swell, little or no current, and restricted wind. Typical of unconsolidated muddy sediments. Water velocity less than 1 meter/second.

Drainage on Intertidal Flats: The amount of water left on intertidal area after ebb tide.

Habitats: description of project site and adjacent areas

Sand Beach: exposed environments containing at least 75% sand.

Boulder/cobble Beach: exposed environments dominated by boulders and/or loose rounded rocks.

Sand Flat: protected and semi-protected environment dominated by sandy sediment.

Mixed Coarse & Fines: semi-protected environment consisting of a mixture of rocks, boulders, gravel, sand, cobbles, and mud.

Rocky Shore: semi-protected to moderate consisting of rocks, boulders, or ledge.

Salt Marsh: persistent near shore emergent grass habitats.

Ledge: stable bedrock

Mud Flat: protected environments containing at least 75% mud

Eelgrass: intertidal and subtidal grass habitat.

Relative Abundance: the frequency of an organism at or adjacent to the project site

Absent: Organism is physically absent from the specific area.

Scattered or occasional: A limited number of a specific organism found only after a thorough investigation of the habitat *or* organisms occurring in small (<1/2 square foot) patches or small clumps throughout the zone.

Common: Specific organism found readily with little investigation, but not visually obvious; found repeatedly and/or occurring in numerous patches throughout habitat.

Abundant: Specific organism is visually obvious throughout area with limited or no habitat disturbance.

**MDEP COASTAL WETLAND CHARACTERIZATION:
INTERTIDAL & SHALLOW SUBTIDAL FIELD SURVEY CHECKLIST**

NAME OF APPLICANT: _____ PHONE: _____

APPLICATION TYPE: _____

PROJECT LOCATION: TOWN: _____ COUNTY: _____

PROJECT DESCRIPTION: ☐ fill ☐ pier ☐ lobster pound ☐ shoreline stabilization
☐ dredge ☐ other: _____

DATE OF SURVEY: _____ OBSERVER: _____

TIME OF SURVEY: _____ TIDE AT SURVEY: _____

SIZE OF DIRECT IMPACT OR FOOTPRINT (square feet):

Intertidal area: _____ Subtidal area: _____

SIZE OF INDIRECT IMPACT, if known (square feet): _____

Intertidal area: _____ Subtidal area: _____

HABITAT TYPES PRESENT(check all that apply):

☐ sand beach ☐ boulder/cobble beach ☐ sand flat ☐ mixed coarse & fines ☐ salt marsh
☐ ledge ☐ rocky shore ☐ mudflat (sediment depth, if known:_____)

ENERGY: ☐ protected ☐ semi-protected ☐ partially exposed ☐ exposed

DRAINAGE: ☐ drains completely ☐ standing water ☐ pools ☐ stream or channel

SLOPE: ☐ >20% ☐ 10-20% ☐ 5-10% ☐ 0-5% ☐ variable

SHORELINE CHARACTER:

☐ bluff/bank (height from spring high tide:_____) ☐ beach ☐ rocky ☐ vegetated

FRESHWATER SOURCES: ☐ stream ☐ river ☐ wetland ☐ stormwater

MARINE ORGANISMS PRESENT:

absent	occasional	common	abundant				
		mussels	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		clams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		marine worms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		rockweed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		eelgrass	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		lobsters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SIGNS OF SHORELINE OR INTERTIDAL EROSION? ☐ yes ☐ no

PREVIOUS ALTERATIONS? ☐ yes ☐ no

CURRENT USE OF SITE AND ADJACENT UPLAND:

☐ undeveloped ☐ residential ☐ commercial ☐ degraded ☐ recreational

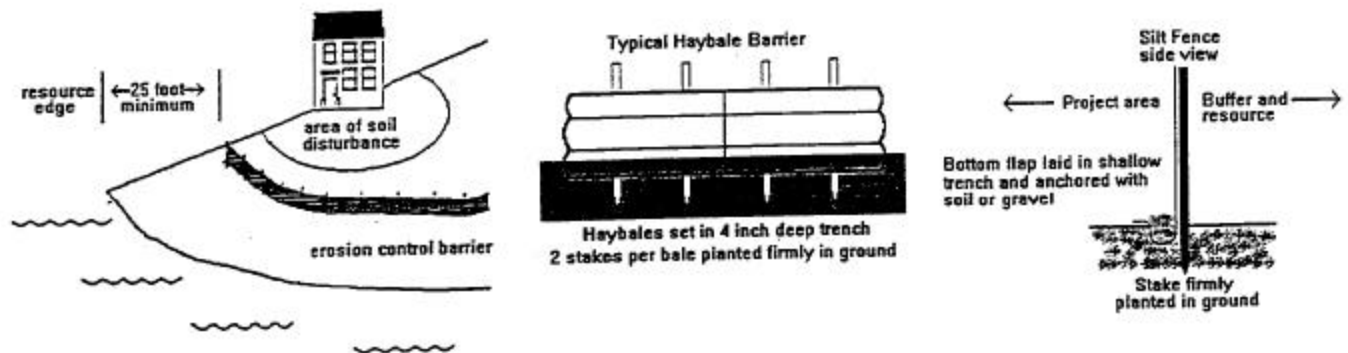
PLEASE ATTACH THE FOLLOWING:

☐ Photographs ☐ Overhead drawing

Erosion Control

Before Construction

1. If you have hired a contractor, make sure you have discussed your permit with them. Talk about what measures they plan to take to control erosion. Everybody involved should understand what the resource is and where it is located. Most people could identify the edge of a lake or a river. The edges of wetlands, however, are often not obvious. Your contractor may be the person actually pushing dirt around but you are both responsible for complying with the permit.
2. Call around and find sources for your erosion controls. You will probably need silt fence, hay bales and grass seed or conservation mix. Some good places to check are feed stores, hardware stores, landscapers and contractor supply houses. It is not always easy to find hay or straw during late winter and early spring. It may also be more expensive during those times of year. Plan ahead. Purchase a supply early and keep it under a tarp.
3. Before any soil is disturbed, make sure an erosion control barrier has been installed. The barrier can be either a silt fence, a row of staked hay bales, or both. Use the drawings below as a guide for correct installation and placement. The barrier should be placed as close as possible to the activity.
4. If a contractor is installing the barrier, double check it as a precaution. Erosion control barriers should be installed "on the contour", meaning at the same level along the land slope, whenever possible. This keeps stormwater from flowing to the lowest point of the barrier where it builds up and overflows or destroys it.



During Construction

1. Use lots of hay or straw mulch on disturbed soil. The idea behind mulch is to prevent rain from striking the soil directly. It is the force of raindrops striking the soil that causes a lot of erosion. More than 90% of erosion is prevented by keeping the soil covered.
2. Inspect your erosion control barriers frequently. This is especially important after a rainfall. If there is muddy water leaving the project site, then your erosion controls are not working as intended. In that situation, stop work and figure out what can be done to prevent more soil from getting past the barrier.

After Construction

1. After the project is complete, replant the area. All ground covers are not equal. For instance, a mix of creeping red fescue and Kentucky bluegrass is a good choice for lawns and other high maintenance areas. The same mix would not be a good choice for stabilizing a road shoulder or a cut bank that you don't intend to mow.
2. If you finish your project after September 15, then do not spread grass seed. There is a very good chance that the seed will germinate and be killed by a frost before it has a chance to become established. Instead, mulch the site with a thick layer of hay or straw. In the spring, rake off the mulch and seed the area. Don't forget to mulch again to hold in moisture and prevent the seed from washing away.
3. Keep your erosion control barrier up and maintained until the area is permanently stabilized.

Why Control Erosion?

***Protect Water Quality**

When soil erodes into protected resources such as streams, rivers, wetlands and lakes it has many effects. Eroding soil particles carry phosphorus to the water. An excess of phosphorus can lead to explosions of algae growth called blooms. In addition, when the soil settles out on the bottom it smothers fish eggs and small animals eaten by fish. There are lots of other impacts as well, all bad.

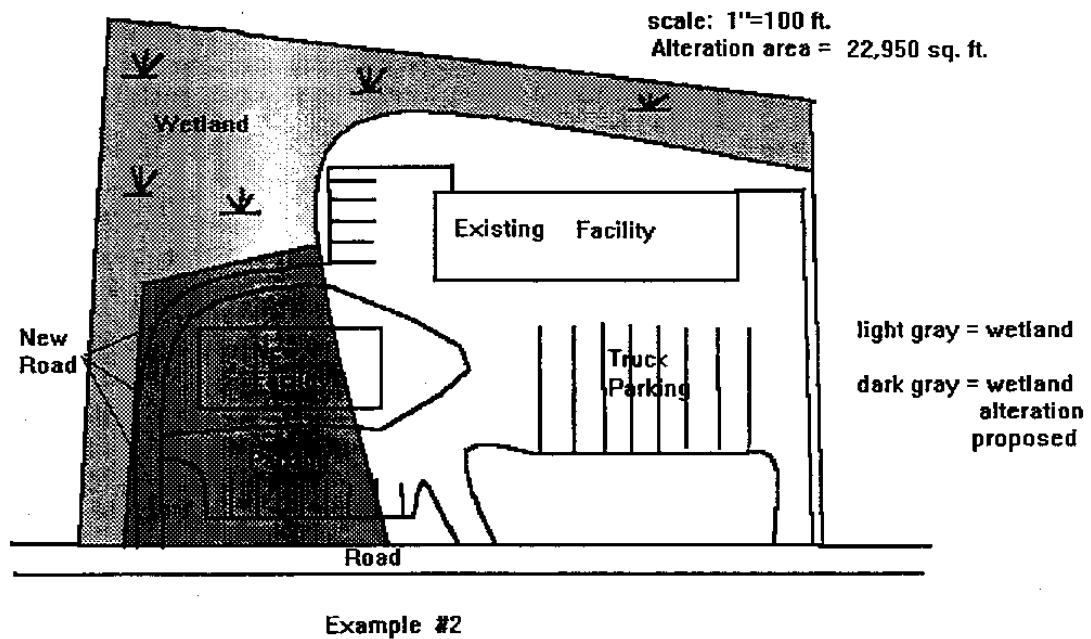
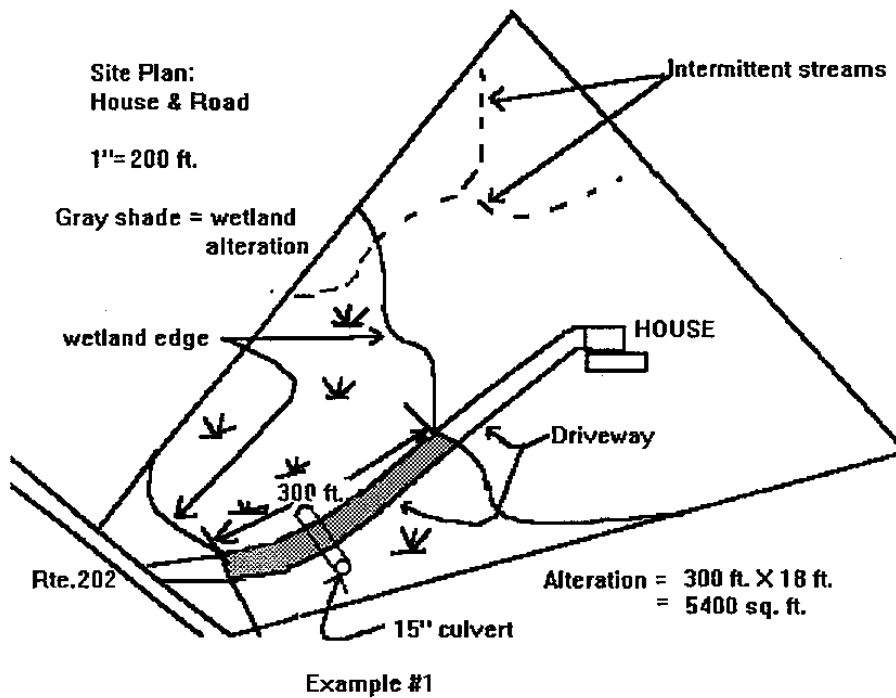
***Protect Soil**

It has taken thousands of years for our soil to develop. We cannot afford to waste this valuable resource.

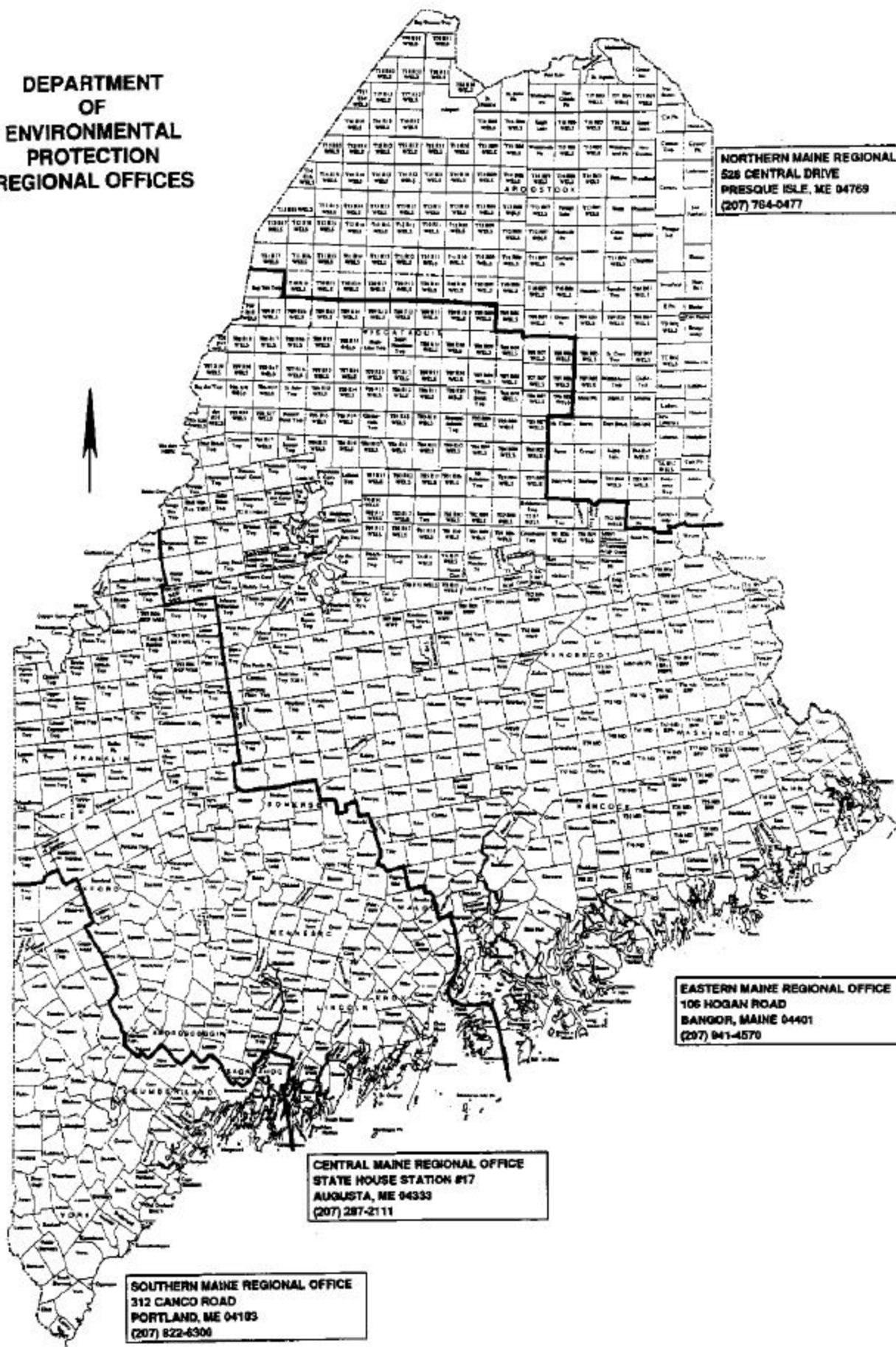
***Save Money**

Replacing topsoil or gravel washed off your property is expensive. You end up paying twice because State and local agencies spend your tax dollars digging out ditches and storm drains choked with sediment.

Sample Site Plan



**DEPARTMENT
OF
ENVIRONMENTAL
PROTECTION
REGIONAL OFFICES**



NORTHERN MAINE REGIONAL OFFICE
528 CENTRAL DRIVE
PRESQUE ISLE, ME 04769
(207) 764-0477

EASTERN MAINE REGIONAL OFFICE
106 HOBAN ROAD
BANGOR, MAINE 04401
(207) 941-4570

CENTRAL MAINE REGIONAL OFFICE
STATE HOUSE STATION #17
AUGUSTA, ME 04333
(207) 287-2111

SOUTHERN MAINE REGIONAL OFFICE
312 CANCO ROAD
PORTLAND, ME 04103
(207) 822-6306

APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

PART III

SUPPLEMENTAL INFORMATION FOR DREDGING PROJECTS

(Discard this part if dredging is not proposed as part of your project.)

The DEP and the Corps strongly recommend that applicants schedule a pre-application meeting prior to submitting an application for dredging.

Part II of the application including an alternatives assessment and a functional assessment must be filled out for dredging projects in excess of 10 cubic yards intertidally or 100 cubic yards subtidally. Compensation may be required in some cases.

Volume to be dredged: from Intertidal area:	cu. yds.	Volume to be dredged: from Subtidal area:	cu. yds.
Sq. ft. to be dredged: in Intertidal area:	sq. ft.	Sq. ft to be dredged: in Subtidal area:	sq. ft.
Max. depth of dredging below existing grade:			
Type of material (example: sand, silt, clay, gravel. etc.) to be Dredged:			
Describe what erosion and sediment control measures will be used during the dredging operation. (attach separate sheet if necessary):			
Describe how and where the dredge spoils will be dewatered (attach separate sheet if necessary): Show dewatering location and erosion control measures on project drawings.			
What equipment will be used for the dredge?			
Disposal Location: (Check one)	<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> Upland disposal: <input type="checkbox"/> On site <input type="checkbox"/> Landfill <input type="checkbox"/> Other _____ </div> <div style="width: 48%;"> Ocean disposal: Federal Disposal Site <input type="checkbox"/> Arundel <input type="checkbox"/> Portland <input type="checkbox"/> Rockland <input type="checkbox"/> Other _____ </div> </div>		

FOR UPLAND DISPOSAL:

Contact with the Division of Solid Waste Management at (207) 287-2651:

Contacted: ☐ Yes ☐ No If yes, attach a copy of any correspondence.
Permitted: ☐ Yes ☐ No If yes, provide the permit number_____.

- ☐ Attach as **Exhibit #15**, a copy of the dredge spoils test results from tests performed in accordance with 06-096 CMR 405.5 (Solid Waste Management Rules).

NOTE: Applicants are **STRONGLY** recommended to contact the DEP prior to performing any sediment sampling. Improperly sampled or analyzed sediments may have to be retested.

- ☐ Attach as **Exhibit #16**, a locus map showing the disposal site, a site plan with the disposal location and erosion control measures shown, or a letter or permit from the Division of Solid Waste regarding disposal.
- ☐ Attach as **Exhibit #17**, a written erosion control plan for stabilizing the dredged material to prevent erosion.

FOR OCEAN DISPOSAL:

- ☐ Attach as **Exhibit #15**, a copy of the test results performed in accordance with the U.S. Environmental Protection Agency and the Army Corps of Engineers' document for "Guidance for Performing Tests on Dredged Material to Be Disposed of in Open Waters" for the material to be dredged. This is available from the Army Corps of Engineers. (207) 623-8367

NOTE: Applicants are **STRONGLY** recommended to contact the DEP prior to performing any sediment sampling. Improperly sampled or analyzed sediments may have to be retested.

- ☐ Attach as **Exhibit #16**, a copy of a map showing the proposed transportation route to the disposal site.

List all municipalities adjacent to the proposed transportation site:

A copy of the application must be submitted to all municipalities adjacent to the proposed transportation site.

- ☐ Attach as **Exhibit #17**, a copy of the notice of the proposed transportation route. A copy of the proposed transportation route must be published in a newspaper of general circulation in the area of the proposed route. (The notice of the proposed route must include compass bearings or Loran coordinates). The notice must be published under the heading "NOTICE TO FISHERMAN".

Add SAMPLES

**MAKE SURE THE FORM IS A CENTER TEAR OUT : LIKE THE IRS
TAX FORM**